

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE:

**WATSON GRINDING &  
MANUFACTURING CO.,**

Debtor.

**CASE NO. 20-30967**

(Chapter 11)

**KELLEY YOUNG,**

Plaintiff,

**VS.**

**WATSON GRINDING AND  
MANUFACTURING CO., WATSON  
VALVE SERVICES, INC., KMHJ  
MANAGEMENT COMPANY, LLC,  
KMHJ, LTD., , WESTERN  
INTERNATIONAL GAS &  
CYLINDERS, INC., AND  
MATHESON TRI-GAS, INC.,**

## Defendants.

ADVERSARY NO. \_\_\_\_\_

## NOTICE OF REMOVAL

Janet S. Northrup, Chapter 11 Trustee (the “Trustee”) of the Estate of Watson Grinding & Manufacturing Co. (the “Debtor”), files this Notice of Removal of the state court action styled *Kelley Young vs. Watson Grinding and Manufacturing Co., Watson Valve Services, Inc., KMHJ Management Company, LLC, KMHJ, Ltd., Western International Gas & Cylinders, Inc., and Matheson Tri-Gas, Inc.*, Cause No. 2020-40299, pending in the 281<sup>st</sup> Judicial District Court of Harris County, Texas (the “State Court Action”).

## **I. Procedural Background and Nature of Suit**

1. On July 7, 2020, Kelley Young (the “Plaintiff”) filed an Original Petition (the “Original Petition”) against Watson Grinding and Manufacturing Co., Watson Valve Services, Inc., KMHJ

Management Company, LLC, KMHJ, Ltd., Western International Gas & Cylinders, Inc., and Matheson Tri-Gas, Inc. (collectively, the “Defendants”). In the Original Petition, the Plaintiffs asserts claims of negligence, gross negligence, and/or negligent trespass against the Defendants.

2. On July 8, 2020, Western International Gas & Cylinders, Inc. and Matheson Tri-Gas, Inc.’s Crossclaims Against Watson Grinding and Manufacturing Co. and Watson Valve Services, Inc. was filed.

3. On July 14, 2020, KMHJ, Ltd. and KMHJ Management Company, LLC, filed their Original Answer.

4. On July 16, 2020, Western International Gas & Cylinders, Inc. and Matheson Tri-Gas, Inc. filed their Original Answer.

5. On February 6, 2020 (the “Petition Date”), the Debtor filed its Voluntary Petition under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”), commencing the bankruptcy case captioned *In re Watson Grinding & Manufacturing Co.*, Case No. 20-30967, pending in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the “Chapter 11 Bankruptcy Case”).

## **II. Basis for Removal**

6. This Notice of Removal is filed pursuant to 28 U.S.C. § 1452, Bankruptcy Rule 9027, and Local Bankruptcy Rules 9027-1, 9027-2, 9027-3, and the *General Order of Reference* entered by the District Court of this District on March 10, 2005.

7. The State Court Action was initiated after the commencement of the Chapter 11 Case. This Notice of Removal has been timely filed pursuant to Bankruptcy Rule 9027(a)(2). *In re R.E. Loans, LLC*, No. 11-35865, 2012 WL 3262767, at \*2 (Bankr. S.D. Tex. Aug. 8, 2012).

8. Venue in this Court is proper pursuant to 28 U.S.C. § 1409.

9. Cases subject to jurisdiction are removable under the authority of 28 U.S.C. § 1452(a) (“A party may remove any claim or cause of action...to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title”). The State Court Action, including all claims and causes of action asserted therein, is a civil action other than a proceeding before the United States Tax Court. The State Court Action is not a civil action by a government unit to enforce such government unit’s police or regulatory power.

10. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1334(b) (federal district courts have “original jurisdiction of all civil proceedings...arising in or related to cases under title 11”). The State Court Action “arises in” or, alternatively, is “related to” a Title 11 case, *i.e.* the Debtor’s Chapter 11 Bankruptcy Case. In this circuit, “related to” proceedings include any case whose outcome “could *conceivably* have any effect on the administration of the estate.” *In re Wood*, 825 F.2d 90, 93 (5th Cir. 1987) (emphasis added); *In re Baudoin*, 981 F.2d 736, 740 (5th Cir. 1993).

11. The resolution of this State Court Action will have a direct impact on the bankruptcy estate of the Debtor. The State Court Action is related to the Debtor’s Chapter 11 Bankruptcy Case because the outcome of State Court Action could conceivably change the Debtor’s rights, liabilities, or options in a way that would have an effect upon the handling and administration of the bankruptcy estate.

12. Thus, the claims asserted in the State Court Action are claims that arise in or are otherwise related to the Debtor’s Chapter 11 Case pursuant to 28 U.S.C. § 1334(b), and removal to this Court is proper pursuant to 28 U.S.C. § 1452(a).

### **III. Core or Non-Core Bankruptcy Jurisdiction**

13. This action involves the administration of the Debtor’s estate and is a proceeding affecting the adjustment of the debtor-creditor relationship; it is, therefore, a core proceeding under

28 U.S.C. § 157(b)(2)(A)(B)(C) and (O). The claims and causes of action in the State Court Action have a clear and direct impact on the interests and property of the Debtor's estate under 11 U.S.C. § 541.

14. Upon removal of the State Court Action, the Trustee consents to the entry of final orders or judgment by the bankruptcy judge.

#### **IV. Parties and Notice**

15. Pursuant to 28 U.S.C. § 1452(a), Federal Bankruptcy Rule 9027(b), and Local Rule 9027-1, all adverse parties are being provided with a copy of this Notice of Removal and a copy of this Notice of Removal is being filed with the clerk of the 281<sup>st</sup> Judicial District Court of Harris County, Texas.

16. In accordance with Local Rule 9027-1(a), the names and addresses of the parties and counsel in the State Court Action, who have or will be served with the notice, are as follows:

Clark, Love & Hutson, PLLC Adam D. Peavy 440 Louisiana Street, Suite 1700 Houston, Texas 77002  <b>ATTORNEYS FOR PLAINTIFF</b>	McCoy Leavitt Laskey LLC John V. McCoy Michael I. Ramirez N19 W24200 Riverwood Dr., Suite 125 Waukesha, WI 53188  <b>ATTORNEYS FOR WATSON GRINDING &amp; MANUFACTURING CO.</b>  Gieger, Laborde & Laperouse L.L.C. Ernest P. Gieger, Jr. 701 Poydras Street, Suite 4800 New Orleans, Louisiana 70139  <b>ATTORNEYS FOR WATSON VALVE SERVICES, INC.</b>

Greenberg Traurig, LLP Mary-Olga Lovett 1000 Louisiana St., Suite 1700 Houston, Texas 77002  Greenberg Traurig, LLP Christopher M. LaVigne 2200 Ross Avenue, Suite 5200 Dallas, Texas 75201  <b>ATTORNEYS FOR MATHESON TRI-GAS, INC.  AND WESTERN INTERNATIONAL GAS &amp;  CYLINDER, INC.</b>	Jackson Walker L.L.P. Bruce J. Ruzinsky 1401 McKinney, Suite 1900 Houston, Texas 77010  The Silvera Firm Robert C. Turner 17070 Dallas Parkway, Suite 100 Dallas, Texas 75248  <b>ATTORNEYS FOR KMHJ, LTD. AND KMHJ  MANAGEMENT COMPANY, LLC</b>
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### V. Process and Pleadings

17. Pursuant to Bankruptcy Rule 9027(a)(1) and Local Bankruptcy Rule 9027-1(b), true and correct copies of all process and pleadings filed in the State Court Action (as set forth in the attached Exhibit “A”) have been provided to this Court.

18. In the State Court Action, citations of service were issued on July 8, 2020. No return of citations have been returned.

19. In accordance with Bankruptcy Rule 9027(c), the Trustee will promptly file a notice of the filing of this Notice of Removal in the State Court Action.

WHEREFORE, the Trustee notifies the United States Bankruptcy Court for the Southern District of Texas, Houston Division, that the State Court Action is hereby removed in its entirety to this Court pursuant to 28 U.S.C. § 1452(a) and Bankruptcy Rule 9027.

Dated: July 24, 2020.

Respectfully submitted,

**JONES MURRAY & BEATTY, LLP**

By: /s/ Ruth Van Meter

Erin E. Jones

Texas Bar No. 24032478

Ruth Van Meter

Texas Bar No. 20661570

4119 Montrose Blvd, Suite 230

Houston, Texas 77006

Phone: 832-529-1999

Fax: 832-529-5513

[erin@jmbllp.com](mailto:erin@jmbllp.com)

[ruth@jmbllp.com](mailto:ruth@jmbllp.com)

**PROPOSED SPECIAL COUNSEL FOR JANET  
S. NORTHRUP, CHAPTER 11 TRUSTEE OF  
THE ESTATE OF WATSON GRINDING &  
MANUFACTURING CO.**

**HUGHESWATTERSASKANASE, LLP**

By: /s/ Wayne Kitchens

Wayne Kitchens

Texas Bar No. 11541110

Heather McIntyre

Texas State Bar No. 24041076

Total Plaza

1201 Louisiana, 28<sup>th</sup> Floor

Houston, Texas 77002

Telephone: (713) 759-0818

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[wkitchens@hwa.com](mailto:wkitchens@hwa.com)

[hmcintyre@hwa.com](mailto:hmcintyre@hwa.com)

**PROPOSED COUNSEL FOR JANET S.  
NORTHRUP, CHAPTER 11 TRUSTEE OF THE  
ESTATE OF WATSON GRINDING &  
MANUFACTURING CO.**

AND

**McCOY LEAVITT LASKEY LLC**

By: /s/ Michael I. Ramirez  
Michael I. Ramirez  
Texas Bar No. 24008604  
20726 Stone Oak Parkway, Suite 116  
San Antonio, TX 78258  
Telephone (210) 446-2828  
Fax (262) 522-7020  
[mramirez@mlllaw.com](mailto:mramirez@mlllaw.com)

**COUNSEL FOR WATSON GRINDING &  
MANUFACTURING CO.**

**CERTIFICATE OF SERVICE**

I certify that on July 24, 2020, a true and correct copy of the foregoing Notice was served via ECF/PACER to all parties registered to receive such service and via first class mail (without attachments) on a date to be supplemented to the following:

<p>Clark, Love &amp; Hutson, PLLC Adam D. Peavy 440 Louisiana Street, Suite 1700 Houston, Texas 77002</p> <p><b>ATTORNEYS FOR PLAINTIFF</b></p>	<p>McCoy Leavitt Laskey LLC John V. McCoy Michael I. Ramirez N19 W24200 Riverwood Dr., Suite 125 Waukesha, WI 53188</p> <p><b>ATTORNEYS FOR WATSON GRINDING &amp; MANUFACTURING CO.</b></p> <p>Gieger, Laborde &amp; Laperouse L.L.C. Ernest P. Gieger, Jr. 701 Poydras Street, Suite 4800 New Orleans, Louisiana 70139</p> <p><b>ATTORNEYS FOR WATSON VALVE SERVICES, INC.</b></p>

<p>Greenberg Traurig, LLP Mary-Olga Lovett 1000 Louisiana St., Suite 1700 Houston, Texas 77002</p> <p>Greenberg Traurig, LLP Christopher M. LaVigne 2200 Ross Avenue, Suite 5200 Dallas, Texas 75201</p> <p><b>ATTORNEYS FOR MATHESON TRI-GAS, INC. &amp; WESTERN INTERNATIONAL GAS &amp; CYLINDER, INC.</b></p>	<p>Jackson Walker L.L.P. Bruce J. Ruzinsky 1401 McKinney, Suite 1900 Houston, Texas 77010</p> <p>The Silvera Firm Robert C. Turner 17070 Dallas Parkway, Suite 100 Dallas, Texas 75248</p> <p><b>ATTORNEYS FOR KMHJ, LTD. AND KMHJ MANAGEMENT COMPANY, LLC</b></p>
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/s/ Ruth Van Meter  
Ruth Van Meter



**EXHIBIT A**

**2020-40299**

**COURT:** 281st

**FILED DATE:** 7/7/2020

**CASE TYPE:** Other Injury or Damage



**YOUNG, KELLEY**

Attorney: PEAVY, ADAM DANIEL

**VS.**

**WATSON GRINDING AND MANUFACTURING CO**

**Docket Sheet Entries**

**Date**

**Comment**



a level 3 discovery plan that is tailored to the particular circumstance of this case, in accordance with Rule 190 of the Texas Rule of Civil Procedure.

## **II.** **PARTIES**

2. Plaintiff Kelley Young is a Texas resident who resides in Harris County.

3. Defendant Watson Grinding and Manufacturing Co. is a domestic company engaged in business in the State of Texas. Watson Grinding and Manufacturing Co. regularly conducts business in a systematic and continuous manner in Texas and may be served with by certified mail, return receipt requested, through its registered agent: John M. Watson, 4525 Gessner Road, Houston, Texas 77041.

4. Defendant Watson Valve Services, Inc. is a domestic for-profit corporation doing business in the State of Texas. Defendant's principal place of business is located in Harris County, Texas. Defendant may be served through its registered agent: John M. Watson, 4525 Gessner Road, Houston, Texas 77041.

5. Defendant KMHJ Management Company, LLC is a domestic limited liability company registered to do business in the State of Texas, whose managing member is a resident of Harris County, Texas. Defendant may be served through its registered agent, Kelly Lee Watson, at 1400 McKinney Street, Suite 1212, Houston, Texas 77010 or wherever it may be found.

6. Defendant KMHJ, LTD. Is a domestic limited partnership registered to do business in Texas whose general partner is a resident of Harris County, Texas. Defendant may be served through its registered agent, KMHJ Management Company, LLC, at 1400 McKinney Street, Suite 1212, Houston, Texas 77010 or wherever it may be found.

7. Defendant Western International Gas & Cylinders, Inc. is a domestic for-profit corporation incorporated under the laws of the State of Texas with its principal place of business

in Houston, Harris County, Texas. Defendant may be served through its registered agent, Ms. Denise C. Haugen, at 7173 Highway 159 East, Bellville, Texas 77418 or wherever she may be found.

8. Defendant Matheson Tri-Gas, Inc., is a domestic for-profit corporation incorporated under the laws of the State of Texas and operating in Texas. Defendant may be served through its registered agent, CT Corporation Services, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

9. Plaintiff specifically invokes the right to institute this suit against whatever entity was conducting business using the assumed or common name of Watson Grinding and Manufacturing Co. regarding the events described in this Petition. Plaintiff invokes the right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted later upon the motion of any party or of the court.

### **III.** **JURISDICTION AND VENUE**

10. This court has subject matter jurisdiction of this cause of action because it involves an amount in controversy in excess of the minimum jurisdictional limits of this Court.

11. Venue is proper in Harris County under Tex. Civ. Prac. & Rem. Code § 15.002(a)(1), because all or a substantial all the events or omissions giving rise to this lawsuit occurred in Harris County. In addition, Plaintiff's property is in Harris County, the loss and damages at issue occurred in Harris County, the Defendants' conduct that caused all of Plaintiff's injuries occurred in Harris County, and the Defendants maintain its principal place of business in Harris County.

12. The damages sought are within the jurisdictional limits of this court. Plaintiff currently seeks monetary relief over \$200,000 but less than \$1,000,000, including damages of any kind, penalties, costs, expenses, and pre- and post-judgment interest.

**IV.**  
**FACTUAL BACKGROUND**

13. In the early morning hours on January 24, 2020, Plaintiff was awake in her home on Terrace Manor Drive in Northwest Houston behind Watson's manufacturing facility located at 4525 Gessner Road, Houston, Texas 77041.

14. At some point around 4:30 a.m., a massive explosion occurred at the Watson facility, resulting in casualties and significant damage to the surrounding homes and businesses. The explosion was felt and heard for miles in every direction and left a debris field that stretched almost a half-mile from the explosion site. The gas that was allegedly involved in the explosion was propylene, a dangerous and hazardous fuel gas that is highly flammable.

15. Because Plaintiff's home was behind the explosion site, it took a direct hit from the explosion, causing significant damage. Almost all of Plaintiff's windows shattered instantly and glass was strewn all over the house striking Plaintiff.

16. Virtually every room in Plaintiff's home was damaged by the blast. Plaintiff feared for her life and after the explosion, she was forced to seek medical treatment for her injuries. She remains in shock.

17. All total, Plaintiff has lost the use of her home, she has lost some of her belongings and has suffered significant personal injuries, both physical and mental. These damages were all caused by the explosion at Defendants' manufacturing facility.

**V.  
CAUSES OF ACTION**

**NEGLIGENCE**

18. At all material times, Defendants were under a duty to exercise reasonable or ordinary care in the operation and management of their manufacturing facility. More specifically, Defendants were under a duty to exercise ordinary care, meaning that degree of care that would be used by a similar company under the same or similar circumstances, to refrain from negligent conduct that would cause explosions resulting in injuries to individuals in the area and damage to the surrounding property.

19. Defendants knew or should have known that the acts and omissions described in this petition could result in damage to surrounding property and the individuals living inside those homes.

20. Defendants failed to exercise reasonable or ordinary care in managing its facility and operations to ensure that the explosion did not occur, and thereby breaching its duties to the Plaintiff.

21. Defendants failed to exercise reasonable and ordinary care when conducting its business and breached its duty to the Plaintiff, including but not limited to one or more of the following ways:

- a. In failing to properly store, maintain, inspect, supervise or otherwise control the operation of its manufacturing facility;
- b. Failing to safely and properly contain and store dangerous materials, such that they are adequately protected from explosions;
- c. Failing to provide adequate equipment, competent personnel and training to its employees;

- d. Failing to create, promulgate, implement or enforce safety rules and guidelines pertaining to the safe operation of its facility;
- e. Failing to have adequate procedures or contingencies in place to protect the safety of the community in the event of an explosion;
- f. Failing to warn of known hazards;

22. Each of these acts and omissions, singularly or in combination, constitute negligence which was the proximate cause of the explosion and Plaintiff's injuries.

23. At all-times material hereto, all the agents and employees for Defendants who were connected in any way with the explosion were acting within the course and scope of their employment or official duties and in furtherance of their employment. These agents and employees were acting in a managerial capacity or as vice-principals, and the acts committed by them were authorized, approved, and ratified by Defendants.

24. As a result of the explosion caused by Defendants, Plaintiff suffered personal injuries, economic injuries and permanent damage to her property.

### **GROSS NEGLIGENCE**

25. Plaintiff re-alleges each and every aforementioned allegation. Plaintiff will further show that the acts and/or omissions of the Defendants, when viewed objectively, involve an extreme degree of risk considering the probability and magnitude of the potential harm to others. Defendants had actual and/or constructive knowledge of the facts and circumstances leading up to the explosion and knew that their failure to exercise reasonable care would cause significant losses to the citizens surrounding its building.

26. Defendants' actions and inactions were grossly negligent, reckless, willful and/or wanton. Defendants had actual subjective awareness of the risks involved in their operations, but



nevertheless proceeded in conscious indifference to the rights, safety, and/or welfare of others, including the Plaintiff. Therefore, Plaintiff prays that punitive damages be awarded against Defendants. Plaintiff would show that nothing Plaintiff did, or failed to do, in any way contributed to this incident.

### **NEGLIGENT TRESPASS**

27. Plaintiff will further show that Defendants' negligence in causing the explosion also caused a trespass to Plaintiff's personal property.

28. The Defendants' negligence caused a significant interference or lack of possession of Plaintiff's possessory interest in their personal property. The Defendants' negligence and ultimate trespass is depriving the Plaintiff of the use of her property, which appears to be for a substantial period.

### **VI.** **REQUEST FOR DISCLOSURES**

29. Pursuant to Tex. R. Civ. P. 194.2, Defendants are requested to disclose within fifty days after service of this request, the information and materials described in Rule 194.2(a)-(l).

### **VII.** **JURY DEMAND**

30. Plaintiff hereby requests that all causes of action alleged herein be tried before a jury of citizens residing in Harris County, Texas, and concurrently tender the appropriate jury fee with the filing of this petition.

### **VIII.** **PRAYER**

31. For these reasons, Plaintiff asks that the Defendants be cited to appear and answer and be held liable for the following:

- a. For money damages in an amount to be determined by a jury;

- b. Real property and personal property damages;
- c. Physical pain and suffering in the past and future;
- d. Mental anguish in the past and future;
- e. Medical expenses in the past and future;
- f. Loss of household services in the past and future;
- g. Exemplary and punitive damages;
- h. Prejudgment and post judgment interest;
- i. Costs of suit; and
- j. All other relief, in law or in equity, to which the Plaintiff may be justly entitled.

Dated: July 7, 2020

**RESPECTFULLY SUBMITTED,**

**CLARK, LOVE & HUTSON, PLLC**

/s/ Adam D. Peavy  
Adam D. Peavy, of counsel  
[adam@peavy-law.com](mailto:adam@peavy-law.com)  
State Bar No. 24029766  
Scott A. Love  
[slove@triallawfirm.com](mailto:slove@triallawfirm.com)  
Texas Bar No. 24002495  
Ana M. Ene  
State Bar No. 24076368  
[aene@triallawfirm.com](mailto:aene@triallawfirm.com)  
440 Louisiana Street, Suite 1700  
Houston, Texas 77002  
(713) 757-1400 (tel.)  
(713) 759-1217 (fax)

ATTORNEY FOR PLAINTIFF



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 24, 2020

Certified Document Number: 91208316 Total Pages: 8

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

**Marilyn Burgess**

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

**Request for Issuance of Service**

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: Plaintiff's Original Petition

FILE DATE: \_\_\_\_\_ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: KMHJ, LTDAddress of Service: 1400 McKinney Street, Ste. 1212City, State & Zip: Houston, TX 77010Agent (if applicable) KMHJ Management Company, LLC

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias Newspaper \_\_\_\_\_
- ☐ Temporary Restraining Order ☐ Precept ☐ Notice
- ☐ Protective Order
- ☐ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
- ☐ Certiorari ☐ Highway Commission (\$12.00)
- ☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
- ☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) \_\_\_\_\_ ☒ E-Issuance by District Clerk  
(No Service Copy Fees Charged)
- ☐ MAIL to attorney at: \_\_\_\_\_
- ☐ CONSTABLE
- ☐ CERTIFIED MAIL by District Clerk
- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_
- ☐ OTHER, explain \_\_\_\_\_

Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.  
Visit [www.hcdistrictclerk.com](http://www.hcdistrictclerk.com) for more instructions.

Issuance of Service Requested By: Attorney/Party Name: Adam D. Peavy Bar # or ID 24029766Mailing Address: 440 Louisiana, Ste. 1700, Houston, TX 77002Phone Number: 713-757-1400



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 24, 2020

Certified Document Number: 91208317 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**



# Marilyn Burgess

## HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

**Request for Issuance of Service**

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: Plaintiff's Original Petition

FILE DATE: \_\_\_\_\_ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: KMHJ Management Company, LLCAddress of Service: 1400 McKinney Street, Ste. 1212City, State & Zip: Houston, TX 77010Agent (if applicable) Kelly Lee Watson

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias Newspaper \_\_\_\_\_
- ☐ Temporary Restraining Order ☐ Precept ☐ Notice
- ☐ Protective Order
- ☐ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
- ☐ Certiorari ☐ Highway Commission (\$12.00)
- ☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
- ☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

- SERVICE BY (check one):**
- ☐ ATTORNEY PICK-UP (phone) \_\_\_\_\_ ☒ E-Issuance by District Clerk  
(No Service Copy Fees Charged)
- ☐ MAIL to attorney at: \_\_\_\_\_
- ☐ CONSTABLE
- ☐ CERTIFIED MAIL by District Clerk
- Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.  
Visit www.hcdistrictclerk.com for more instructions.*
- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_
- ☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Adam D. Peavy Bar # or ID 24029766Mailing Address: 440 Louisiana, Ste. 1700, Houston, TX 77002Phone Number: 713-757-1400



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 24, 2020

Certified Document Number: 91208318 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**



# Marilyn Burgess

## HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

**Request for Issuance of Service**

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: Plaintiff's Original Petition

FILE DATE: \_\_\_\_\_ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Matheson Tri-Gas, Inc.Address of Service: 1999 Bryan Street, Ste. 900City, State & Zip: Dallas, TX 75201Agent (if applicable) CT Corporation Service

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias Newspaper \_\_\_\_\_
- ☐ Temporary Restraining Order ☐ Precept ☐ Notice
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- ☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
- ☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) \_\_\_\_\_ ☒ E-Issuance by District Clerk  
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- ☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Adam D. Peavy Bar # or ID 24029766Mailing Address: 440 Louisiana, Ste. 1700, Houston, TX 77002Phone Number: 713-757-1400





I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 24, 2020

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HARRIS COUNTY, TEXAS

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# Marilyn Burgess

## HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

**Request for Issuance of Service**

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: Plaintiff's Original Petition

FILE DATE: \_\_\_\_\_ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Watson Grinding and Manufacturing Co.Address of Service: 4525 Gessner RoadCity, State & Zip: Houston, TX 77041Agent (if applicable) John M. Watson

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias Newspaper \_\_\_\_\_
- ☐ Temporary Restraining Order ☐ Precept ☐ Notice
- ☐ Protective Order
- ☐ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
- ☐ Certiorari ☐ Highway Commission (\$12.00)
- ☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
- ☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe) \_\_\_\_\_

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- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_
- ☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Adam D. Peavy Bar # or ID 24029766Mailing Address: 440 Louisiana, Ste. 1700, Houston, TX 77002Phone Number: 713-757-1400



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

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Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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# Marilyn Burgess

## HARRIS COUNTY DISTRICT CLERK

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**Request for Issuance of Service**

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: Plaintiff's Original Petition

FILE DATE: \_\_\_\_\_ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Watson Valve Services, Inc.Address of Service: 4525 Gessner RoadCity, State & Zip: Houston, TX 77041Agent (if applicable) John M. Watson

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias Newspaper \_\_\_\_\_
- ☐ Temporary Restraining Order ☐ Precept ☐ Notice
- ☐ Protective Order
- ☐ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
- ☐ Certiorari ☐ Highway Commission (\$12.00)
- ☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
- ☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe) \_\_\_\_\_

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- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_
- ☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Adam D. Peavy Bar # or ID 24029766Mailing Address: 440 Louisiana, Ste. 1700, Houston, TX 77002Phone Number: 713-757-1400



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 24, 2020

Certified Document Number: 91208321 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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# Marilyn Burgess

## HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

**Request for Issuance of Service**

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: Plaintiff's Original Petition

FILE DATE: \_\_\_\_\_ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Western International Gas & Cylinders, Inc.Address of Service: 7173 Highway 159 EastCity, State & Zip: Bellville, Texas 77418Agent (if applicable) Denise C. Haugen

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias Newspaper \_\_\_\_\_
- ☐ Temporary Restraining Order ☐ Precept ☐ Notice
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- ☐ Certiorari ☐ Highway Commission (\$12.00)
- ☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
- ☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

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- ☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Adam D. Peavy Bar # or ID 24029766Mailing Address: 440 Louisiana, Ste. 1700, Houston, TX 77002Phone Number: 713-757-1400



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 24, 2020

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<p><b>KELLEY YOUNG</b></p> <p><i>Plaintiffs,</i></p> <p><b>vs.</b></p> <p><b>WATSON GRINDING AND MANUFACTURING CO., WATSON VALVE SERVICES, INC., KMHJ MANAGMEENT COMPANY, LLC, KMHJ, LTD., WESTERN INTERNATIONAL GAS &amp; CYLINDERS, § INC., AND MATHESON TRI-GAS, INC.</b></p> <p><i>Defendants.</i></p>	<p><b>IN THE DISTRICT COURT OF</b></p> <p><b>HARRIS COUNTY, TEXAS</b></p> <p><b>281<sup>st</sup> JUDICIAL DISTRICT</b></p>
--	--

Defendants / Cross-Claimants, Western International Gas & Cylinders, Inc. (“Western”) and Matheson Tri-Gas, Inc. (“Matheson” and collectively with Western the “Cross-Claimants”), hereby file their Crossclaims against Watson Grinding and Manufacturing Co. (“Watson Grinding”) and Watson Valve Services, Inc. (“Watson Valve”, and collectively with Watson Grinding, the “Crossclaim Defendants”) as follows:

1. This litigation arises out of a fire and explosion that occurred in the early-morning on Friday, January 24, 2020 at the Watson Grinding and Watson Valve facilities (collectively, the “Watson Facilities”) located in Houston, Texas. The cause of the fire and explosion is currently unknown.

Certified Document Number: 91222948 - Page 1 of 6



2. Matheson, through its wholly owned subsidiary, Western, supplied polymer grade propylene to Watson Grinding.

3. Plaintiff's claims against Matheson and Western arise from and relate to the January 24 fire and explosion that occurred at the Watson Facilities.

4. Pursuant to Texas statutory and common law, as well as a June 22, 2017 Product Supply Agreement between Matheson and Watson Grinding, Cross-Claimants are entitled to comparative liability, contribution, defense, and indemnity from Watson Grinding and Watson Valve as set forth below.

## **II. CROSSCLAIMS**

### **A. Comparative Liability and Contribution**

5. Cross-Claimants deny any and all liability in this litigation and deny Plaintiff's allegations. To the degree Cross-Claimants are found liable to Plaintiff or others for damages caused in whole or in part by any acts or omissions of Watson Grinding relating to the explosion and fire at the Watson Facilities on January 24, 2020, Matheson and Western are entitled to contribution from Watson Grinding pursuant to Chapter 33 of the Texas Civil Practice & Remedies Code, or as otherwise permitted by Texas statutory and common law, for any percentage of liability assigned to Cross-Claimants.

6. The explosion and fire that is the basis for Plaintiff's claims in this litigation occurred at the Watson Facilities. Watson Grinding is or may be liable to Cross-Claimants or Plaintiff for all or part of Plaintiff's claims.

7. Cross-Claimants deny any and all liability in this litigation and deny Plaintiff's allegations. To the degree Cross-Claimants are found liable to Plaintiff or others for damages caused in whole or in part by any acts or omissions of Watson Valve relating to the explosion

and fire at the Watson Facilities on January 24, 2020, Matheson and Western are entitled to contribution from Watson Valve pursuant to Chapter 33 of the Texas Civil Practice & Remedies Code, or as otherwise permitted by Texas statutory and common law, for any percentage of liability assigned to Cross-Claimants.

8. The explosion and fire that is the basis for Plaintiff's claims in this litigation occurred at the Watson Facilities. Watson Valve is or may be liable to Cross-Claimants or Plaintiff for all or part of Plaintiff's claims.

### **B. Indemnity**

9. Cross-Claimants deny any and all liability in this litigation and deny Plaintiff's allegations. To the degree Cross-Claimants are found liable to Plaintiff or others for damages caused in whole or in part by any acts or omissions of Watson Grinding relating to the explosion and fire at the Watson Facilities on January 24, 2020, Cross-Claimants are entitled to defense, indemnity, and to be held harmless by and from Watson Grinding pursuant to the June 22, 2017 Product Supply Agreement, or as otherwise permitted by Texas statutory and common law.

10. Cross-Claimants deny any and all liability in this litigation and deny Plaintiff's allegations. To the degree Cross-Claimants are found liable to Plaintiff or others for damages caused in whole or in part by any acts or omissions of Watson Valve relating to the explosion and fire at the Watson Facilities on January 24, 2020, Cross-Claimants are entitled to defense, indemnity, and to be held harmless by and from Watson Valve pursuant to the June 22, 2017 Product Supply Agreement, or as otherwise permitted by Texas statutory and common law.

### **III. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Cross-Claimants Matheson and Western pray that: (1) Watson Grinding's negligence or comparative fault be submitted to the trier of fact

for consideration for contribution, (2) Watson Valve's negligence or comparative fault be submitted to the trier of fact for consideration for contribution, (3) Watson Grinding be held to defend and indemnify Cross-Claimants for any liability caused by Watson Grinding, (4) Watson Valve be held to defend and indemnify Cross-Claimants for any liability caused by Watson Valve and (5) for such other and further relief to which Cross-Claimants may be justly entitled.

*[Remainder of the Page Intentionally Left Blank]*

Date: July 8, 2020

Respectfully submitted,

Mary-Olga Lovett

State Bar No. 00789289

lovettm@gtlaw.com

Karl D. Burrer

State Bar No. 24043584

burrerk@gtlaw.com

**GREENBERG TRAUIG, LLP**

1000 Louisiana, Suite 1700

Houston, TX 77002

Telephone: 713-374-3500

Facsimile: 713-374-3505

/s/ Christopher M. LaVigne

Christopher M. LaVigne

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Sarah-Michelle Stearns

State Bar No. 24099029

stearnssa@gtlaw.com

**GREENBERG TRAUIG LLP**

2200 Ross Avenue, Suite 5200

Dallas, Texas 75201

Telephone: 214-665-3600

Facsimile: 214-665-3601

**Attorneys for Western International Gas &  
Cylinders, Inc. and Matheson Tri-Gas, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on all parties on July 8, 2020 via the Court's emailing system to all counsel of record.

/s/ Christopher M. LaVigne  
Christopher M. LaVigne



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 24, 2020

Certified Document Number: 91222948 Total Pages: 6

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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**CAUSE NO. 2020-40299****KELLEY YOUNG,  
Plaintiff,****vs.****WATSON GRINDING AND  
MANUFACTURING, CO., WATSON  
VALVE SERVICES, INC., KMHJ, LTD,  
KMHJ MANAGEMENT COMPANY,  
LLC, WESTERN INTERNATIONAL  
GAS & CYLINDERS, INC., MATHESON  
TRI-GAS, INC.,  
Defendants.**§ **IN THE DISTRICT COURT OF**  
§  
§  
§  
§  
§ **HARRIS COUNTY, TEXAS**  
§  
§  
§  
§  
§  
§ **281<sup>st</sup> JUDICIAL DISTRICT****ORIGINAL ANSWER OF DEFENDANTS**  
**KMHJ, LTD. AND KMHJ MANAGEMENT COMPANY, LLC**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, KMHJ, LTD and KMHJ MANAGEMENT COMPANY, LLC, and subject to Watson Valve Services, Inc.'s and Watson Grinding and Manufacturing Co.'s bankruptcy proceedings and Motions to Stay, and any pending Temporary Restraining Orders or Temporary Injunctions, and files this, their Original Answer to Plaintiff's Original Petition and would respectfully show the court and the parties as follows:

**I.****GENERAL DENIAL**

Defendants KMHJ, Ltd. and KMHJ Management Company, LLC generally deny each and every, all and singular, the material allegations in Plaintiff's petition and demand strict proof thereof by a preponderance of the evidence. Defendants hereby enter a General Denial.

**II.**

Defendants KMHJ, Ltd. and KMHJ Management Company, LLC assert there is a defect of parties. Defendants did not operate nor manage a manufacturing business or facility in Houston,

**ORIGINAL ANSWER OF DEFENDANTS**  
**KMHJ, LTD. AND KMHJ MANAGEMENT COMPANY, LLC**  
RCT/CJR

Harris County, Texas. Defendants did not own nor operate a business utilizing propylene or other such chemicals.

**III.**

Defendants KMHJ, Ltd. and KMHJ Management Company, LLC assert that Defendants are not liable in the capacity in which they have been sued. Defendants did not operate nor manage a manufacturing business or facility in Houston, Harris County, Texas. Defendants did not own nor operate a business utilizing propylene or other such chemicals.

**IV.**

Further pleading, Defendants allege the action in question and any resulting damages were as a result of the acts or omissions of other named parties or entities and Defendants invoke the provisions of Texas Civil Practice Remedies Code, including but not limited to Chapter 33 and §33.001; §33.002; §33.003; §33.004; §33.011; §33.012 and §33.013.

**V.**

Further pleading, if necessary, Defendants allege and hereby invoke the privileges of Chapter 41 of the Texas Civil Practice Remedies Code, including but not limited to §41.001; §41.002; §41.002(a)(b)(c) and (d); §41.003; §41.004; §41.006; §41.007; §41.008; §41.009; §41.010; §41.011; §41.012 and §41.013.

**VI.**

Further pleading, if necessary, in the alternative, Defendants allege that they did not breach any duty owed to Plaintiff or any other party and any alleged acts or omissions of Defendants, KMHJ, Ltd. and KMHJ Management Company, LLC and were not a proximate cause of the alleged accident in question and the resulting damages.



**VII.**

Further pleading, if necessary, in the alternative, Defendants assert all available defenses under §41.0105 of the Texas Civil Practice Remedies Code; in addition to any other limitation or law, recovery of medical or healthcare expenses incurred is limited to the amount actually paid or incurred by or on behalf of Plaintiff.

**VIII.**

Further pleading, Defendants submit Plaintiff's claims for punitive damages, exemplary damages, if any, are limited under the Texas Civil Practice and Remedies Code §41.008 with the amount of recovery of exemplary or punitive damages not to exceed two times the amount of economic damages, plus, an amount equal to any non-economic damages found by the jury, not to exceed the sum of \$150,000; or \$200,000. *See* Texas Civil Practice Remedies Code §41.008. Plaintiff further may not recover any interests from any award of punitive or exemplary damages. *See* Texas Civil Practice Remedies Code §41.007.

**IX.**

Further pleading, Defendants argue any award of punitive or exemplary damages is unconstitutional and that the award of such damages constitutes punishment and violation of the Eighth Amendment of the United States Constitution. Plaintiff's claims for punitive or exemplary damages violates both the U.S. and Texas Constitutions guaranteeing the right to due process as provided in the Fifth and Fourteenth Amendments of the United States Constitution, in addition to Article One, Section Nineteen of the Texas Constitution.

**X.**

Further pleading, punitive and exemplary damages violate the double jeopardy clause of the Fifth Amendment to the United States Constitution. Plaintiff's claim for punitive or exemplary

damages also violates Defendants' right to protection from being subjected to excessive fines, as provided in Article One, Section Thirteen of the Texas Constitution. Claims for punitive damages should be separated from compensatory damages in a bifurcated trial. Otherwise, evidence admissible on the question of punitive damages may inflame and destroy a jury's assessment of compensatory damage liability.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiff recover nothing of and from Defendants, and Defendants be discharged to go hence without delay and recover their cost, that Plaintiff's claims and/or causes of action be dismissed, and for such other and further relief to which Defendants, KMHJ, Ltd. and KMHJ Management Company, LLC may be justly entitled.

Respectfully submitted,

THE SILVERA FIRM  
A Professional Corporation

BY: /s/ Robert C. Turner  
Robert C. Turner  
State Bar No. 00791831  
17070 Dallas Parkway, Suite 100  
Dallas, Texas 75248  
Telephone (972) 715-1750  
Facsimile (972) 715-1759  
[robertturner@silveralaw.com](mailto:robertturner@silveralaw.com)  
[notice@silveralaw.com](mailto:notice@silveralaw.com)

ATTORNEYS FOR DEFENDANTS  
KMHJ, LTD., and KMHJ MANAGEMENT  
COMPANY, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon counsel of record in accordance with the Texas Rules of Civil Procedure on this the 14<sup>th</sup> day of July 2020.

Adam D. Peavy, of counsel  
[adam@peavy-law.com](mailto:adam@peavy-law.com)

Scott A. Love [slove@triallawfirm.com](mailto:slove@triallawfirm.com)

Ana M. Ene [aene@triallawfirm.com](mailto:aene@triallawfirm.com)

Clark, Love & Hutson, PLLC  
440 Louisiana St., Suite 1700  
Houston, TX 77002  
*Counsel for Plaintiff*

Mary-Olga Lovett [lovettm@gtlaw.com](mailto:lovettm@gtlaw.com)  
Karl D. Burrer [burrerk@gtlaw.com](mailto:burrerk@gtlaw.com)

Greenberg Traurig, LLP  
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Christopher M. LaVigne [lavignec@gtlaw.com](mailto:lavignec@gtlaw.com)

Daniel P. Elms [elmsd@gtlaw.com](mailto:elmsd@gtlaw.com)

Samuel G. Davison [davisons@gtlaw.com](mailto:davisons@gtlaw.com)

Sarah-Michelle Stearns [stearnssa@gtlaw.com](mailto:stearnssa@gtlaw.com)

Greenberg Traurig, LLP  
2200 Ross Avenue, Suite 5200  
Dallas, Texas 75201  
*Counsel for Defendants Western International Gas  
& Cylinder, Inc., and Matheson Tri-Gas, Inc.*

/s/ Robert C. Turner

Robert C. Turner



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 24, 2020

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Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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<p><b>KELLEY YOUNG</b></p> <p><i>Plaintiffs,</i></p> <p><b>vs.</b></p> <p><b>WATSON GRINDING AND MANUFACTURING CO., WATSON VALVE SERVICES, INC., KMHJ MANAGMEENT COMPANY, LLC, KMHJ, LTD., WESTERN INTERNATIONAL GAS &amp; CYLINDERS, INC., AND MATHESON TRI-GAS, INC.</b></p> <p><i>Defendants.</i></p>	<p><b>IN THE DISTRICT COURT OF</b></p> <p><b>HARRIS COUNTY, TEXAS</b></p> <p><b>281<sup>st</sup> JUDICIAL DISTRICT</b></p>
--	--

Defendants, Western International Gas & Cylinders, Inc. and Matheson Tri-Gas, Inc.  
(collectively, “Defendants”), hereby file their Original Answer as follows:

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants generally deny each and every claim and cause of action asserted by Plaintiffs and demand strict proof thereof.

WHEREFORE, Defendants Western International Gas & Cylinders, Inc. and Matheson Tri-Gas, Inc. respectfully request that Plaintiffs take nothing by reason of their suit against Defendants, and that the Court grant such other and further relief, at law or in equity, to which Defendants are justly entitled.

Dated: July 16, 2020

Respectfully submitted,

Mary-Olga Lovett  
State Bar No. 00789289  
lovettm@gtlaw.com  
**GREENBERG TRAURIG, LLP**  
1000 Louisiana, Suite 1700  
Houston, TX 77002  
Telephone: 713-374-3500  
Facsimile: 713-374-3505

/s/ Christopher M. LaVigne  
Christopher M. LaVigne  
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starkb@gtlaw.com  
Samuel G. Davison  
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davisons@gtlaw.com  
Sarah-Michelle Stearns  
State Bar No. 24099029  
stearnssa@gtlaw.com  
**GREENBERG TRAURIG LLP**  
2200 Ross Avenue, Suite 5200  
Dallas, Texas 75201  
Telephone: 214-665-3600  
Facsimile: 214-665-3601

**Attorneys for Defendants Western  
International Gas & Cylinders, Inc. and  
Matheson Tri-Gas, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on all parties on July 16, 2020 via the Court's emailing system to all counsel of record.

/s/ Christopher M. LaVigne  
Christopher M. LaVigne



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 24, 2020

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